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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Joseph C. Spero, Chief Magistrate Judge

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
VS.) NO. CR 20-00249 RS (JCS)
)
ROLAND MARCUS ANDRADE,)
)
Defendant.)
)

San Francisco, California
Tuesday, November 8, 2022

TRANSCRIPT OF OFFICIAL ELECTRONIC SOUND RECORDING

OF REMOTE ZOOM VIDEO CONFERENCE PROCEEDINGS

TIME: 10:00 A.M. - 10:04 A.M. = 4 MINUTES

AND 11:26 A.M. - 11:27 A.M. = 1 MINUTE

APPEARANCES:

For Plaintiff:

STEPHANIE M. HINDS
UNITED STATES ATTORNEY
450 Golden Gate Avenue, 11th Floor
San Francisco, California 94102
BY: ANDREW F. DAWSON
ASSISTANT UNITED STATES ATTORNEY

For Defendant:

KING & SPALDING LLP
50 California Street, Suite 3300
San Francisco, California 94111
BY: MICHAEL J. SHEPARD, ATTORNEY AT LAW

TRANSCRIBED BY: Ana Dub, RDR, CRR, CSR No. 7445
Official United States Reporter

1 Tuesday - November 8, 2022

10:00 a.m.

2 P R O C E E D I N G S3 ---oo---

4 (Defendant present via Zoom, out of custody.)

5 **THE CLERK:** We're calling Case Number 20-cr-0249,
6 U.S.A. vs. Roland Marcus Andrade.7 And, Counsel, Andrew and Ross, which one of you should I
8 bring in?

9 Thank you.

10 Okay. Appearances, please, first starting with
11 the Government and then defense counsel.12 **MR. DAWSON:** Good morning, Your Honor. Andrew Dawson for
13 the United States.14 **THE COURT:** Good morning.15 **MR. SHEPARD:** And good morning, Your Honor. Michael
16 Shepard for the defendant, Roland Marcus Andrade.

17 My colleague, Kerrie Dent, may also be in the audience.

18 **THE COURT:** She's not in the waiting room yet.19 **MR. SHEPARD:** Okay. Okay. Maybe she just jumped directly
20 to the other link but...21 And Mr. Andrade is present by Zoom and consents to proceed
22 in that fashion.23 **THE COURT:** All right. Welcome, everyone.24 All right. This is an ID of counsel hearing. My
25 understanding is that there's some issue about representation

1 of the defendant.

2 So what I propose to do is see if anyone has anything they
3 want to say in this public session, and then proceed to an
4 ex parte session with counsel for the defense and the defendant
5 only and exclude the Government and the public from that
6 ex parte session.

7 But before I do that, maybe I'd ask, Mr. Dawson, if you
8 wanted to say anything in this public session.

9 **MR. DAWSON:** Your Honor, I -- I'm unaware of the dynamics
10 at play. So I have nothing to add at this -- at this stage.

11 **THE COURT:** Okay. All right. And do you have any
12 objection to my proceeding to an ex parte session?

13 **MR. DAWSON:** I do not, Your Honor.

14 **THE COURT:** All right. So there's two ways to do this
15 ex parte session. One is we can stay on this webinar platform;
16 ask the Government lawyers to leave and, when they've left, we
17 will know that they've left; and then just proceed on the
18 webinar fashion. We need to keep an eye on the attendee list
19 to make sure no one steps in.

20 Or we can go to my meeting link, Zoom meeting link, if
21 everyone has that link, Mr. Andrade and Mr. Shepard.

22 I'm going to invite Diana Weiss to come to either session
23 because she's, obviously, inside the attorney-client privilege
24 issue.

25 But I don't know if anyone has a preference. We can stay

1 right here, or we could go to the meeting link.

2 Mr. Andrade, do you have the meeting link?

3 You're on mute. I'm sorry.

4 **THE DEFENDANT:** Yes, sir. I'm actually on your website,
5 sir, so I see the link there on your website, sir.

6 **THE COURT:** Okay. All right. Well, maybe that's the --

7 **THE DEFENDANT:** Safest.

8 **THE COURT:** -- safest thing to do.

9 And Mr. Shepard's colleague may already be headed there.

10 So why don't we conclude this public session. We'll go to
11 the meeting link. And I'll invite Diana Weiss to also come to
12 that through the meeting link on my website.

13 And when this -- when that part is concluded, I guess what
14 we'll do is we'll e-mail or text you, Mr. Dawson, so we can get
15 back together in this webinar and you can hear the results.

16 **MR. DAWSON:** Understood, Your Honor.

17 **THE COURT:** Okay. All right. So we'll go -- everybody,
18 we'll take a brief recess, and we'll go to the -- defense
19 counsel, defendant, and Diana Weiss and the Court and staff
20 will go to the meeting link. Okay?

21 **THE DEFENDANT:** Thank you, Your Honor.

22 **THE COURT:** All right.

23 **MR. DAWSON:** Thank you, Your Honor.

24 **MR. SHEPARD:** Thank you, Your Honor.

25 **THE COURT:** Yes. Thank you.

1 (Proceedings adjourned at 10:04 a.m.)

2 (Ex parte sealed proceedings heard by the Court, reported
3 but not transcribed herein.)

4 (Proceedings resumed at 11:26 a.m.)

5 (The following proceedings were had in open court via
6 Zoom, the defendant being personally present, together with
7 counsel:)

8 **THE CLERK:** Okay. Court is in session.

9 We are resuming Case Number 20-cr-0249, U.S.A. vs. Roland
10 Marcus Andrade.

11 Appearances, please, first starting with the Government,
12 then defense counsel.

13 **MR. DAWSON:** Good morning again, Your Honor. Andrew
14 Dawson for the United States.

15 **MR. SHEPARD:** And good morning. Michael Shepard for the
16 defendant, who is present by Zoom and consents to proceed in
17 that fashion.

18 **THE COURT:** All right. Thank you.

19 I've had an ex parte session. The only thing I'll reveal
20 about that ex parte session is that Mr. Shepard will continue
21 to represent Mr. Andrade. And that will be reflected in the
22 minutes. That will be the only thing reflected in the minutes.

23 Do you have -- and I think you have a status in a couple
24 of weeks is the next appearance before Judge Seeborg. Is that
25 right?

MR. DAWSON: I believe that's correct, Your Honor.

THE COURT: Okay. All right. Is there anything anyone else would like to say in this public session?

MR. DAWSON: Nothing from the Government.

MR. SHEPARD: Nothing from me, Your Honor. Thank you again.

THE COURT: All right.

So you're on mute. You're on mute, Mr. --

MR. SHEPARD: Marcus, you're on mute.

THE DEFENDANT: Sorry about that.

Nothing from -- nothing from me, sir. Thank you for everything.

THE COURT: All right. Thank you. And I appreciate the education that I got in the ex parte session.

Okay. Thank you, all. We'll stand in recess.

THE CLERK: Thank you. Court stands in recess.

(Proceedings adjourned at 11:27 a.m.)

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2 **CERTIFICATE OF TRANSCRIBER**
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4 I, ANA DUB, CSR NO. 7445, RDR, RMR, CRR, CCRR, CRG, CCG,
5 certify that the foregoing is a true and correct transcript, to
6 the best of my ability, of the above pages of the official
7 electronic sound recording provided to me by the U.S. District
8 Court, Northern District of California, of the proceedings
9 taken on the date and time previously stated in the above
10 matter.

11 I further certify that I am neither counsel for, related
12 to, nor employed by any of the parties to the action in which
13 this hearing was taken; and, further, that I am not financially
14 nor otherwise interested in the outcome of the action.

15
16
17 DATE: Friday, February 24, 2023
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Ana Dub, Transcriber
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